

REMARKS

This is in response to the non-final Official Action currently outstanding with regard to the present application.

Claims 1-24 were pending in this application at the time of the issuance of the currently outstanding Official Action. By the foregoing Amendment, Claim 1, 3, 16 and 19 have been canceled, without prejudice. Claim 2 has been rewritten in independent form. Claims 4 and 5, on the other hand, have been rewritten in independent form including all of the limitations of their respective base claims and any intervening claims as Claim 4 (Amended), Claim 5 (Amended) and Claims 25 (New) – 30(New). Claims 6, 7, 9 and 10 have been amended so as to depend only from Claim 2. Claim 11 has been amended so as to depend only from Claim 9. Claim 15 has been amended so as to depend solely from Claim 12. Claim 17 has been amended so as to delete the comma objected to by the Examiner as well as to delete another inappropriate comma. Claims 20, 21 and 22 have been rewritten in independent form including all of the limitations of their respective base claims as Claim 20 (Currently Amended), Claim 21 (Currently Amended), Claim 22 (Currently Amended) and Claims 31(New) – 32(New). Claim 23 has been amended so as to depend solely from Claim 20. Furthermore, Claims 33(New)-36(New) have been added which correspond to Claims 6, 7, 9 and 10 but depend only from Claim 4. Also, Claims 37(New) – 40(New) have been added that correspond to Claims 6,7,9 and 10 but depend solely from Claim 5. Further, Claim 41(New) has been added that corresponds to Claim 11, but depends solely from Claim 10. Finally, Claims 42(New) and 43(New) have been added that correspond to Claims 23 and 24 but depend solely from Claim 21, and Claims 44(New) and 45(New) have been added that correspond to Claims 23 and 24 but depend solely from Claim 22.

It will be understood that the foregoing amendments have been made to correct the presence of improper multiple dependent claims dependent upon other multiple dependent claims in this application and otherwise for purposes of clarity of expression. Accordingly, it is respectfully submitted that the scope of the claims of this application has not been altered by the foregoing Amendment. No claims have been withdrawn. Therefore, upon the entry of the foregoing Amendment, Claims 2, 4-15, 17-18 and 20-45 as hereinabove amended, will constitute the claims under active prosecution in this application.

The claims of this application are reproduced above including appropriate status identifiers and showing the Amendments made as required by the Rules.

More particularly, in the currently outstanding Official Action the Examiner has:

1. Acknowledged Applicants' claim for foreign priority under 35 USC §119 (a)-(d) or (f), and confirmed the receipt of the required copies of the priority documents by the United States Patent and Trademark Office;
2. Indicated the drawings filed as part of this application on 19 May 2005 have been accepted;
3. Confirmed the receipt by the United States Patent and Trademark Office of Applicants' Information Disclosure Statements of 19 May 2005, 10 August 2005, 24 October 2005, 27 January 2006 (as corrected on 21 February 2006) and 13 September 2006 by providing Applicant with signed, dated and initialed copies of the Forms PTO/SB/08a/b that accompanied those Statements in confirmation of the consideration of the art listed therein by the Examiner.
4. Objected to the specification on the basis that the Title of the Invention is not deemed to be adequately descriptive of the subject matter being claimed, and required Applicants to provide a new Title of the Invention. The Examiner also requested Applicants to review the specification for minor errors. – **The Title of the Invention has been amended hereinabove as required by the Examiner, and to the extent that errors in the specification have been were found they have been corrected above. Should further minor errors in the specification be subsequently noticed, they will be corrected as well.**

5. Objected to Claims 4-11 and 23-24 on the basis that a multiple dependent claim cannot depend from another multiple dependent claim and refused to further consider those claims on their substantive merits– **As mentioned above, Applicants have amended the claims of this application hereinabove to remove the basis for this objection to the claims of this application. Substantive consideration of the claims as they will stand upon the entry of the foregoing Amendment is respectfully requested.**
6. Objected to Claims 3 and 17 on the bases that in Claim 3, line 9, the phrase “the reproduction means” should be “the reproducing means” and that in Claim 17, at line 9, the comma after the word “medium” should be deleted – **By the foregoing Amendment Claim 3 has been canceled, without prejudice, but to the extent that its limitations have been carried forward into other claims Applicants have corrected the wording objected to by the Examiner. Further, by the foregoing Amendment Claim 17 has been amended as suggested by the Examiner and also so as to delete another inappropriate comma.**
7. Rejected claims 1-3, 12-14, 16, 17 and 19-22 and 8-14 under 35 USC §102(b) as being anticipated by Higaki et al (JP 2002-290899 referring to a machine translation thereof).
8. Rejected claims 15 and 18 as being unpatentable under the terms of 35 USC 103(a) over the Higaki et al reference in view of Kuratai et al (US 5,315,400) and Fujita et al (US 5,978,219).

Further comment regarding items 1-6 above is not deemed to be required in these Remarks.

With regard to items 7 and 8 above, Applicants respectfully submit that the Examiner has failed to note the features of the present invention that distinguish it from the cited art. Accordingly, reconsideration in view of the foregoing Amendments and the following Remarks is respectfully requested.

With respect to Claims 2 and 20, Applicants respectfully submit that a characteristic feature of those claims is that:

When halting a reproduction of an information storage medium whose identification information is not recognizable by the recognition means, identification information for the information storage medium is set, and the memory means is caused to store (i) the identification information thus set and (ii) halt position information such that the identification information and the halt position information are correlated with each other; and when starting a reproduction of the information storage medium whose identification information is not recognizable by the reproduction means, a position to start reproduction by the reproduction means is controlled in accordance with the halt position information that is correlated with the identification information, stored in the memory means, that has been set when halting reproduction.

The Examiner has rejected the novelty of this feature by reference to paragraph [0030] of the Higaki et al reference. However, Applicants respectfully submit that the subject matter of Claims 2 and 20 of the present application as hereinabove amended is not disclosed, taught or suggested by the Higaki et al reference. In support of this position, Applicants respectfully call attention to the Higaki et al reference at paragraph [0030] wherein it is specifically stated that:

“normal reproduction is started when identification information of the disc to be reproduced does not correspond to disc-specific identification information in the last memory information

In other words, according to the Higaki et al reference as stated at paragraph [0003]:

“when identification information of the disc to be reproduced does not correspond to disc-specific identification information in last memory information”, ... “the main content is reproduced after the reproduction of opening images of the disc, e. g., a logo of a production company and a copyright notice”

Thus, Applicants respectfully submit that the Higaki et al reference does not disclose, teach or suggest a device that starts up in the same manner as the device of the present invention in those situations wherein the identification information of the disc to be reproduced does not correspond to the disc-specific information in the last memory information. Therefore, since all of the elements of the claim are not disclosed in the same prior art reference, Applicants respectfully submit that the Examiner has failed to satisfactorily support his rejection under 35 USC 102(b) in the above regard, and that that rejection therefore should be withdrawn in response to this submission.

A similar argument applies to the currently outstanding rejection of Claims 12-14 and 17. Specifically, Claims 12-14 and 17 are characterized in that: ***prior to a reproduction of the information storage medium and in accordance with the halt position information, a reproduction start position is determined at a position which comes before the reproduction halt position, and a reproduction is started from the reproduction start position.*** The Examiner rejects the novelty of this feature of the present invention based upon Claim 2 of the Higaki et al reference. However, Applicant respectfully submits that the technology recited in the Higaki et al reference as is clearly shown by reference to Claim 1 thereof clearly is such that: ***“subtitle information to be displayed at a resume reproduction start position specified by last memory information is obtained by searching recorded information which is recorded at a position before the resume reproduction start position of the disc”, and “the obtained subtitle information is displayed when the reproduction is started from the reproduction start position”.***

Therefore, Applicants respectfully submit that the reproduction start position in the Higaki et al reference is nothing more than ***“a resume start position specified by the last memory information”.***

Accordingly, Applicants respectfully submit that it is to be noted that as a specific method of obtaining the subtitle information, Claim 2 of the Higaki et al reference recites that: ***“in the range from the resume reproduction start position on the disc to a predetermined position which is prior to the resume reproduction start position for a predetermined period of time, the subtitle information is searched for from the predetermined position toward the resume reproduction start position, and the subtitle information which is found as a result of the search is obtained (as subtitle information to be displayed at the resume reproduction start position)”.***

However, Applicants respectfully submit that the Higaki et al reference fails to disclose, teach or suggest that the reproduction start position itself is set at a position before the resume reproduction start position. Hence, Applicants respectfully submit that Claims 12-14 and 17 of this application as well as the claims that depend therefrom include a unique feature that is not disclosed nor indicated in the art upon which the Examiner has relied. Therefore, Applicants respectfully submit that the Examiner's rejections of Claims 12-14 and 17 are not supported by the current record and should be withdrawn in response to this submission.

Further, with regard to Claims 4, 5, 21 and 22, Applicants respectfully submit that it is to be recognized that Claims 4 and 21 as hereinabove amended are characterized in that: *when halting a reproduction of an information storage medium, the memory means is caused to store information of a reception content read out from a position, which comes after a reproduction halt position of the information storage medium such that the information of the reproduction content is correlated with identification information of the information storage medium; and when starting a reproduction of the information storage medium, the reproduction content which has been stored in the memory means is reproduced so as to be correlated with the identification of the information storage medium, and the information storage medium is consecutively reproduced.* Furthermore, it also is to be recognized that Claims 5 and 22 are characterized in that: *the identification information of an information storage medium and information of reproduction content read out from a position, which comes before the reproduction halt position, of the information storage medium are stored in such a manner that the identification information and the readout information are correlated with each other, the storing being carried out when halting a reproduction of the information storage medium, and the reproduction content is reproduced so that it is correlated with the identification information of the information storage medium, and the information storage medium is consecutively reproduced, when starting a reproduction of the information storage medium.*

Applicants respectfully submit that the Higaki et al reference, on the other hand, fails to disclose or indicate that the reproduction content around the resume start position is stored in the memory of the reproduction apparatus. Hence, Applicants respectfully submit that again the Examiner has failed to show that the unique features of Claims 4, 5, 21 and 22 of this application as hereinabove amended or for that matter any of the claims that depend from any of those claims are disclosed or indicated by the Higaki et al reference so as to anticipate the same. Again, therefore, Applicants respectfully submit that the Examiner has failed to appropriately support his rejection based on the present record, and that therefore the currently outstanding rejection of Claims 4, 5, 21 and 22 as well as the claims dependent thereon should be withdrawn in response to this communication.

Finally with regard to Claims 15 and 18 as hereinabove amended and any claims dependent thereon, the Examiner has rejected those claims as being unpatentable under the terms of 35 USC 103(a) over the Higaki et al reference in view of Kuratai et al (US 5,315,400) and Fujita et al (US 5,978,219). Applicants respectfully submit, however, that Claims 15 and 18 of the above-identified application have the following distinct feature that is not taught, disclosed or suggested by the art cited by the Examiner in this regard: ***when starting a reproduction of the information storage medium, a reproduction is started from the reproduction start position that is determined according to the halt position information and that comes before the reproduction halt position.***

Accordingly, Applicants respectfully submit that neither Claim 15 nor Claim 18, nor any claimed dependent from either of them is disclosed, taught or suggested by the combination of art relied upon by the Examiner in the currently outstanding Official Action. Therefore, Applicants respectfully submit that the currently outstanding rejection under 35 USC 103(a) should be withdrawn in response to this communication.

For each and all of the foregoing reasons, therefore, entry of the foregoing Amendment, reconsideration and allowance of all of the claims present in this application after the entry of this Amendment in response to this submission are respectfully requested.